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DUNN and SHERIFF's DEPARTMENT  
8 OF SAN JOAQUIN COUNTY  
9

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**  
12

13 ROBERT T. BROWN, individually and on  
behalf of Class of Persons similarly situated,

14 Plaintiff,

15 vs.

16 COUNTY OF SAN JOAQUIN, SHERIFF  
17 BAXTER DUNN, DEPUTY RICHARD  
DUNSING, DEPUTY SEMILLO, DEPUTY  
18 MENDEZ, LT. MENDOZA and DOES I  
through X inclusive,

19 Defendants.  
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**CASE NO. CIV.S-04-2008 FCD PAN**

**[PROPOSED]  
ORDER GRANTING COUNTY'S  
MOTION IN PART AND IMPOSING  
DISCOVERY SANCTIONS**

**Date: January 25, 2006  
Time: 9:00 a.m.  
Courtroom: 25  
Hon. Peter A. Nowinski**

21  
22 The County of San Joaquin's Motion for An Order Compelling Discovery and/or  
23 Imposing Discovery Sanctions having come on for hearing before the Court on January 25, 2006,  
24 the Plaintiff being represented by counsel Bruce W. Nickerson, and the County of San Joaquin  
25 being represented by counsel Daniel C. Cederborg, the Court having heard and considered the  
26 papers filed herein and the arguments of counsel and good cause appearing,  
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1 IT IS HEREBY ORDERED THAT the County of San Joaquin's Motion for An Order  
2 Compelling Discovery and/or Imposing Discovery Sanctions is granted in part as follows:

- 3 1) The testimony of Plaintiff's proposed expert witness, Jeffrey LeTourneau is  
4 excluded from evidence in this action due to the failure of Plaintiff to provide a  
5 written expert report at the time of designation of the expert pursuant to the  
6 requirements of Rule 26 of the Federal Rules of Civil Procedure and the Court's  
7 Status (Pretrial Scheduling) Order; and
- 8 2) All photographs proffered by the Plaintiff which were taken prior to the date of  
9 this order are excluded from evidence in this action with the exception of the  
10 photograph taken by Plaintiff's wife of the door of the restroom, which  
11 photograph has been produced to the Defendants herein. Plaintiff is also barred  
12 from introducing into evidence photographs that attempt or purport to portray the  
13 position of the Plaintiff or the arresting officers on the date of the arrest at issue in  
14 this action. The parties are free to stipulate to the use of other photographic or  
15 video demonstrative exhibits or evidence displaying the general area of the arrest  
16 of the Plaintiff at issue in this action including but not limited to the restroom  
17 facilities at the McHenry Avenue Recreation Area.

18  
19 Dated: \_February 6\_, 2006 .

By: /s/ Peter A. Nowinski  
Hon. Peter A. Nowinski  
United States Magistrate Judge